
SUBSTITUTE SENATE BILL 5219

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Schmidt, Rockefeller and Pridemore)

READ FIRST TIME 02/22/05.

1 AN ACT Relating to changing primary dates and associated election
2 procedures; amending RCW 29A.04.321, 29A.04.330, 29A.24.040,
3 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.40.070, 29A.56.030,
4 29A.60.190, 29A.64.070, 27.12.355, 27.12.370, 35.02.086, 35.06.070,
5 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 42.12.040, 42.17.080,
6 42.17.710, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010,
7 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW
8 29A.04.310 and 29A.24.210; repealing RCW 29A.04.158, 29A.04.311, and
9 29A.24.211; and providing an effective date.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No.
12 872) are each reenacted and amended to read as follows:
13 Primaries for general elections to be held in November must be held
14 on((+
15 (1)) the third Tuesday of the preceding ((September; or
16 (2) The seventh Tuesday immediately preceding that general
17 election, whichever occurs first)) August.

1 **Sec. 2.** RCW 29A.04.321 and 2004 c 271 s 106 are each amended to
2 read as follows:

3 (1) All state, county, city, town, and district general elections
4 for the election of federal, state, legislative, judicial, county,
5 city, town, and district officers, and for the submission to the voters
6 of the state, county, city, town, or district of any measure for their
7 adoption and approval or rejection, shall be held on the first Tuesday
8 after the first Monday of November, in the year in which they may be
9 called. A statewide general election shall be held on the first
10 Tuesday after the first Monday of November of each year. However, the
11 statewide general election held in odd-numbered years shall be limited
12 to (a) city, town, and district general elections as provided for in
13 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
14 federal officers for the remainder of any unexpired terms in the
15 membership of either branch of the Congress of the United States; (c)
16 the election of state and county officers for the remainder of any
17 unexpired terms of offices created by or whose duties are described in
18 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
19 and 23, and Article IV, sections 3 and 5 of the state Constitution and
20 RCW 2.06.080; (d) the election of county officers in any county
21 governed by a charter containing provisions calling for general county
22 elections at this time; and (e) the approval or rejection of state
23 measures, including proposed constitutional amendments, matters
24 pertaining to any proposed constitutional convention, initiative
25 measures and referendum measures proposed by the electorate, referendum
26 bills, and any other matter provided by the legislature for submission
27 to the electorate.

28 (2) A county legislative authority may(~~(, if it deems an emergency~~
29 ~~to exist,)) call a special county election by presenting a resolution
30 to the county auditor (~~(at least forty five days))~~) prior to the
31 proposed election date. Except as provided in subsection (4) of this
32 section, a special election called by the county legislative authority
33 shall be held on one of the following dates as decided by such
34 governing body:~~

- 35 (a) The first Tuesday after the first Monday in February;
36 (b) The second Tuesday in March;
37 (c) The fourth Tuesday in April;
38 (d) The third Tuesday in May;

1 (e) The day of the primary as specified by RCW (~~29A.04.311~~)
2 29A.04.310; or

3 (f) The first Tuesday after the first Monday in November.

4 (3) A resolution calling for a special election on a date set forth
5 in subsection (2)(a) through (d) of this section must be presented to
6 the county auditor at least fifty-two days prior to the election date.
7 A resolution calling for a special election on a date set forth in
8 subsection (2)(e) or (f) of this section must be presented to the
9 county auditor at least eighty-four days prior to the election date.

10 (4) In addition to the dates set forth in subsection (2)(a) through
11 (f) of this section, a special election to validate an excess levy or
12 bond issue may be called at any time to meet the needs resulting from
13 fire, flood, earthquake, or other act of God. Such county special
14 election shall be noticed and conducted in the manner provided by law.

15 (~~(4)~~) (5) In a presidential election year, if a presidential
16 preference primary is conducted in February, March, April, or May under
17 chapter 29A.56 RCW, the date on which a special election may be called
18 by the county legislative authority under subsection (2) of this
19 section during the month of that primary is the date of the
20 presidential primary.

21 (~~(5)~~) (6) This section shall supersede the provisions of any and
22 all other statutes, whether general or special in nature, having
23 different dates for such city, town, and district elections, the
24 purpose of this section being to establish mandatory dates for holding
25 elections except for those elections held pursuant to a home-rule
26 charter adopted under Article XI, section 4 of the state Constitution.
27 This section shall not be construed as fixing the time for holding
28 primary elections, or elections for the recall of any elective public
29 officer.

30 **Sec. 3.** RCW 29A.04.330 and 2004 c 266 s 6 are each amended to read
31 as follows:

32 (1) All city, town, and district general elections shall be held
33 throughout the state of Washington on the first Tuesday following the
34 first Monday in November in the odd-numbered years.

35 This section shall not apply to:

36 (a) Elections for the recall of any elective public officer;

1 (b) Public utility districts, conservation districts, or district
2 elections at which the ownership of property within those districts is
3 a prerequisite to voting, all of which elections shall be held at the
4 times prescribed in the laws specifically applicable thereto;

5 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
6 nonhigh capital fund aid proposals as provided for in chapter 28A.540
7 RCW.

8 (2) The county auditor, as ex officio supervisor of elections, upon
9 request in the form of a resolution of the governing body of a city,
10 town, or district, presented to the auditor (~~(at least forty five~~
11 ~~days))~~ prior to the proposed election date, may(~~(, if the county~~
12 ~~auditor deems an emergency to exist,))~~ call a special election in such
13 city, town, or district, and for the purpose of such special election
14 he or she may combine, unite, or divide precincts. Except as provided
15 in subsection (3) of this section, such a special election shall be
16 held on one of the following dates as decided by the governing body:

17 (a) The first Tuesday after the first Monday in February;

18 (b) The second Tuesday in March;

19 (c) The fourth Tuesday in April;

20 (d) The third Tuesday in May;

21 (e) The day of the primary election as specified by RCW 29A.04.310;

22 or

23 (f) The first Tuesday after the first Monday in November.

24 (3) A resolution calling for a special election on a date set forth
25 in subsection (2)(a) through (d) of this section must be presented to
26 the county auditor at least fifty-two days prior to the election date.
27 A resolution calling for a special election on a date set forth in
28 subsection (2)(e) or (f) of this section must be presented to the
29 county auditor at least eighty-four days prior to the election date.

30 (4) In a presidential election year, if a presidential preference
31 primary is conducted in February, March, April, or May under chapter
32 29A.56 RCW, the date on which a special election may be called under
33 subsection (2) of this section during the month of that primary is the
34 date of the presidential primary.

35 (~~(4)~~) (5) In addition to subsection (2)(a) through (f) of this
36 section, a special election to validate an excess levy or bond issue
37 may be called at any time to meet the needs resulting from fire, flood,
38 earthquake, or other act of God, except that no special election may be

1 held between the first day for candidates to file for public office and
2 the last day to certify the returns of the general election other than
3 as provided in subsection (2)(e) and (f) of this section. Such special
4 election shall be conducted and notice thereof given in the manner
5 provided by law.

6 ~~((+5))~~ (6) This section shall supersede the provisions of any and
7 all other statutes, whether general or special in nature, having
8 different dates for such city, town, and district elections, the
9 purpose of this section being to establish mandatory dates for holding
10 elections.

11 **Sec. 4.** RCW 29A.24.040 and 2003 c 111 s 604 are each amended to
12 read as follows:

13 A candidate may file his or her declaration of candidacy for an
14 office by electronic means on a system specifically designed and
15 authorized by a filing officer to accept filings.

16 (1) Filings that are received electronically must capture all
17 information specified in RCW ~~((29A.24.030))~~ 29A.24.031 (1) through (4).

18 (2) Electronic filing may begin at 9:00 a.m. the ~~((fourth))~~ third
19 Monday in ~~((July))~~ May and continue through 4:00 p.m. the following
20 Friday.

21 (3) In case of special filing periods established in this chapter,
22 electronic filings may be accepted beginning at 9:00 a.m. on the first
23 day of the special filing period through 4:00 p.m. the last day of the
24 special filing period.

25 **Sec. 5.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to
26 read as follows:

27 Except where otherwise provided by this title, declarations of
28 candidacy for the following offices shall be filed during regular
29 business hours with the filing officer no earlier than the ~~((fourth))~~
30 third Monday in ~~((July))~~ May and no later than the following Friday in
31 the year in which the office is scheduled to be voted upon:

32 (1) Offices that are scheduled to be voted upon for full terms or
33 both full terms and short terms at, or in conjunction with, a state
34 general election; and

35 (2) Offices where a vacancy, other than a short term, exists that

1 has not been filled by election and for which an election to fill the
2 vacancy is required in conjunction with the next state general
3 election.

4 This section supersedes all other statutes that provide for a
5 different filing period for these offices.

6 **Sec. 6.** RCW 29A.24.171 and 2004 c 271 s 165 are each amended to
7 read as follows:

8 Filings for a nonpartisan office shall be reopened for a period of
9 three normal business days, such three-day period to be fixed by the
10 election officer with whom such declarations of candidacy are filed and
11 notice thereof given by notifying press, radio, and television in the
12 county and by such other means as may now or hereafter be provided by
13 law whenever before the ((~~sixth~~)) eleventh Tuesday prior to a primary:

- 14 (1) A void in candidacy occurs;
- 15 (2) A vacancy occurs in any nonpartisan office leaving an unexpired
16 term to be filled by an election for which filings have not been held;
17 or
- 18 (3) A nominee for judge of the superior court entitled to a
19 certificate of election pursuant to Article 4, section 29, Amendment 41
20 of the state Constitution, dies or is disqualified.

21 Candidacies validly filed within said three-day period shall appear
22 on the ballot as if made during the earlier filing period.

23 **Sec. 7.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to
24 read as follows:

25 Filings for a nonpartisan office (other than judge of the supreme
26 court or superintendent of public instruction) shall be reopened for a
27 period of three normal business days, such three-day period to be fixed
28 by the election officer with whom such declarations of candidacy are
29 filed and notice thereof given by notifying press, radio, and
30 television in the county and by such other means as may now or
31 hereafter be provided by law, when:

- 32 (1) A void in candidacy for such nonpartisan office occurs on or
33 after the ((~~sixth~~)) eleventh Tuesday prior to a primary but prior to
34 the ((~~sixth~~)) eleventh Tuesday before an election; or
- 35 (2) A nominee for judge of the superior court eligible after a
36 contested primary for a certificate of election by Article 4, section

1 29, Amendment 41 of the state Constitution, dies or is disqualified
2 within the ten-day period immediately following the last day allotted
3 for a candidate to withdraw; or

4 (3) A vacancy occurs in any nonpartisan office on or after the
5 ((~~sixth~~)) eleventh Tuesday prior to a primary but prior to the
6 ((~~sixth~~)) eleventh Tuesday before an election leaving an unexpired term
7 to be filled by an election for which filings have not been held.

8 The candidate receiving a plurality of the votes cast for that
9 office in the general election shall be deemed elected.

10 **Sec. 8.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to
11 read as follows:

12 A scheduled election shall be lapsed, the office deemed stricken
13 from the ballot, no purported write-in votes counted, and no candidate
14 certified as elected, when:

15 (1) In an election for judge of the supreme court or superintendent
16 of public instruction, a void in candidacy occurs on or after the
17 ((~~sixth~~)) eleventh Tuesday prior to a primary, public filings and the
18 primary being an indispensable phase of the election process for such
19 offices;

20 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for
21 judge of the superior court entitled to a certificate of election
22 pursuant to Article 4, section 29, Amendment 41 of the state
23 Constitution dies or is disqualified on or after the ((~~sixth~~)) eleventh
24 Tuesday prior to a primary;

25 (3) In other elections for nonpartisan office a void in candidacy
26 occurs or a vacancy occurs involving an unexpired term to be filled on
27 or after the ((~~sixth~~)) eleventh Tuesday prior to an election.

28 **Sec. 9.** RCW 29A.24.210 and 2005 c 2 s 10 (Initiative Measure No.
29 872) are each reenacted and amended to read as follows:

30 Filings for a partisan elective office shall be opened for a period
31 of three normal business days whenever, on or after the first day of
32 the regular filing period and before the ((~~sixth~~)) eleventh Tuesday
33 prior to an election, a vacancy occurs in that office, leaving an
34 unexpired term to be filled by an election for which filings have not
35 been held.

1 Any special three-day filing period shall be fixed by the election
2 officer with whom declarations of candidacy for that office are filed.
3 The election officer shall give notice of the special three-day filing
4 period by notifying the press, radio, and television in the county or
5 counties involved, and by any other means as may be required by law.

6 Candidacies validly filed within the special three-day filing
7 period shall appear on the primary or general election ballot as if
8 filed during the regular filing period.

9 The procedures for filings for partisan offices where a vacancy
10 occurs under this section or a void in candidacy occurs under RCW
11 (~~29A.24.140~~) 29A.24.141 must be substantially similar to the
12 procedures for nonpartisan offices under RCW (~~29A.24.150~~) 29A.24.151
13 through (~~29A.24.170~~) 29A.24.171.

14 **Sec. 10.** RCW 29A.40.070 and 2004 c 266 s 13 are each amended to
15 read as follows:

16 (1) Except where a recount or litigation under RCW (~~29A.68.010~~)
17 29A.68.011 is pending, the county auditor shall have sufficient
18 absentee ballots available for absentee voters of that county, other
19 than overseas voters and service voters, at least twenty days before
20 any primary, general election, or special election. The county auditor
21 must mail absentee ballots to each voter for whom the county auditor
22 has received a request nineteen days before the primary or election at
23 least eighteen days before the primary or election. For a request for
24 an absentee ballot received after the nineteenth day before the primary
25 or election, the county auditor shall make every effort to mail ballots
26 within one business day, and shall mail the ballots within two business
27 days.

28 (2) (~~The county auditor shall make every effort to mail ballots to~~
29 ~~overseas and service voters earlier than eighteen days before a primary~~
30 ~~or election~~)) At least thirty days before any primary, general
31 election, or special election, the county auditor shall mail ballots to
32 all overseas and service voters. A request for a ballot made by an
33 overseas or service voter after that day must be processed immediately.

34 (3) Each county auditor shall certify to the office of the
35 secretary of state the dates the ballots prescribed in subsection (1)
36 of this section were available and mailed.

1 (4) If absentee ballots will not be available or mailed as
2 prescribed in subsection (1) of this section, the county auditor shall
3 immediately certify to the office of the secretary of state when
4 absentee ballots will be available and mailed. Copies of this
5 certification must be provided to the county canvassing board, the
6 press, jurisdictions with issues on the ballot in the election, and any
7 candidates.

8 (5) If absentee ballots were not available or mailed as prescribed
9 in subsection (1) of this section, for a reason other than a recount or
10 litigation, the county auditor, in consultation with the certification
11 and training program of the office of the secretary of state, shall
12 submit a report to the office of the secretary of state outlining why
13 the deadline was missed and what corrective actions will be taken in
14 future elections to ensure that absentee ballots are available and
15 mailed as prescribed in subsection (1) of this section.

16 (6) Failure to have absentee ballots available and mailed as
17 prescribed in subsection (1) of this section does not by itself provide
18 a basis for an election contest or other legal challenge to the results
19 of a primary, general election, or special election.

20 **Sec. 11.** RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to
21 read as follows:

22 The name of any candidate for a major political party nomination
23 for president of the United States shall be printed on the presidential
24 preference primary ballot of a major political party only:

25 (1) By direction of the secretary of state, who in the secretary's
26 sole discretion has determined that the candidate's candidacy is
27 generally advocated or is recognized in national news media; or

28 (2) If members of the political party of the candidate have
29 presented a petition for nomination of the candidate that has attached
30 to the petition a sheet or sheets containing the signatures of at least
31 one thousand registered voters who declare themselves in the petition
32 as being affiliated with the same political party as the presidential
33 candidate. The petition shall be filed with the secretary of state not
34 later than (~~the thirty-ninth day~~) sixty days before the presidential
35 preference primary. The signature sheets shall also contain the
36 residence address and name or number of the precinct of each registered

1 voter whose signature appears thereon and shall be certified in the
2 manner prescribed in RCW 29A.72.230 and 29A.72.240.

3 The secretary of state shall place the name of the candidate on the
4 ballot unless the candidate, at least (~~(thirty-five)~~) fifty-two days
5 before the presidential preference primary, executes and files with the
6 secretary of state an affidavit stating without qualification that he
7 or she is not now and will not become a candidate for the office of
8 president of the United States at the forthcoming presidential
9 election. The secretary of state shall certify the names of all
10 candidates who will appear on the presidential preference primary
11 ballot to the respective county auditors on or before the fourth
12 Tuesday in April of each presidential election year.

13 **Sec. 12.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to
14 read as follows:

15 (1) (~~(On the tenth day after a special election or primary and on~~
16 ~~the fifteenth day after a)~~) Fifteen days after a primary, special
17 election, or general election, the county canvassing board shall
18 complete the canvass and certify the results. Each absentee ballot
19 that was returned before the closing of the polls (~~(on the date of the~~
20 ~~primary or election for which it was issued)~~), and each absentee ballot
21 (~~(with)~~) bearing a postmark on or before the date of the (~~(primary or)~~)
22 election (~~(for which it was issued)~~) and received on or before the date
23 on which the (~~(primary or)~~) election is certified, must be included in
24 the canvass report.

25 (2) At the request of a caucus of the state legislature, the county
26 auditor shall transmit copies of all unofficial returns of state and
27 legislative primaries or elections prepared by or for the county
28 canvassing board to either the secretary of the senate or the chief
29 clerk of the house of representatives.

30 **Sec. 13.** RCW 29A.64.070 and 2003 c 111 s 1607 are each amended to
31 read as follows:

32 After the original count, canvass, and certification of results,
33 the votes cast in any single precinct may (~~(not)~~) be recounted and the
34 results recertified not more than once for a primary and not more than
35 twice for a special or general election.

1 **Sec. 14.** RCW 27.12.355 and 1987 c 138 s 1 are each amended to read
2 as follows:

3 (1) As provided in this section, a rural county library district,
4 island library district, or intercounty rural library district may
5 withdraw areas from its boundaries, or reannex areas into the library
6 district that previously had been withdrawn from the library district
7 under this section.

8 (2) The withdrawal of an area shall be authorized upon: (a)
9 Adoption of a resolution by the board of trustees requesting the
10 withdrawal and finding that, in the opinion of the board, inclusion of
11 this area within the library district will result in a reduction of the
12 district's tax levy rate under the provisions of RCW 84.52.010; and (b)
13 adoption of a resolution by the city or town council approving the
14 withdrawal, if the area is located within the city or town, or adoption
15 of a resolution by the county legislative authority of the county
16 within which the area is located approving the withdrawal, if the area
17 is located outside of a city or town. A withdrawal shall be effective
18 at the end of the day on the thirty-first day of December in the year
19 in which the resolutions are adopted, but for purposes of establishing
20 boundaries for property tax purposes, the boundaries shall be
21 established immediately upon the adoption of the second resolution.

22 The authority of an area to be withdrawn from a library district as
23 provided under this section is in addition, and not subject, to the
24 provisions of RCW 27.12.380.

25 The withdrawal of an area from the boundaries of a library district
26 shall not exempt any property therein from taxation for the purpose of
27 paying the costs of redeeming any indebtedness of the library district
28 existing at the time of the withdrawal.

29 (3) An area that has been withdrawn from the boundaries of a
30 library district under this section may be reannexed into the library
31 district upon: (a) Adoption of a resolution by the board of trustees
32 proposing the reannexation; and (b) adoption of a resolution by the
33 city or town council approving the reannexation, if the area is located
34 within the city or town, or adoption of a resolution by the county
35 legislative authority of the county within which the area is located
36 approving the reannexation, if the area is located outside of a city or
37 town. The reannexation shall be effective at the end of the day on the
38 thirty-first day of December in the year in which the adoption of the

1 second resolution occurs, but for purposes of establishing boundaries
2 for property tax purposes, the boundaries shall be established
3 immediately upon the adoption of the second resolution. Referendum
4 action on the proposed reannexation may be taken by the voters of the
5 area proposed to be reannexed if a petition calling for a referendum is
6 filed with the city or town council, or county legislative authority,
7 within a thirty-day period after the adoption of the second resolution,
8 which petition has been signed by registered voters of the area
9 proposed to be reannexed equal in number to ten percent of the total
10 number of the registered voters residing in that area.

11 If a valid petition signed by the requisite number of registered
12 voters has been so filed, the effect of the resolutions shall be held
13 in abeyance and a ballot proposition to authorize the reannexation
14 shall be submitted to the voters of the area at the next special
15 election date (~~((specified in RCW 29.13.020 that occurs forty five or~~
16 ~~more days after the petitions have been validated))~~ according to RCW
17 29A.04.330. Approval of the ballot proposition authorizing the
18 reannexation by a simple majority vote shall authorize the
19 reannexation.

20 **Sec. 15.** RCW 27.12.370 and 1982 c 123 s 14 are each amended to
21 read as follows:

22 The county legislative authority or authorities shall by resolution
23 call a special election to be held in such city or town at the next
24 special election date (~~((provided in RCW 29.13.010 but not less than~~
25 ~~forty five days from the date of the declaration of such finding))~~
26 according to RCW 29A.04.321, and shall cause notice of such election to
27 be given as provided for in RCW (~~(29.27.080)~~) 29A.52.351.

28 The election on the annexation of the city or town into the library
29 district shall be conducted by the auditor of the county or counties in
30 which the city or town is located in accordance with the general
31 election laws of the state and the results thereof shall be canvassed
32 by the canvassing board of the county or counties. No person shall be
33 entitled to vote at such election unless he or she is registered to
34 vote in said city or town for at least thirty days preceding the date
35 of the election. The ballot proposition shall be in substantially the
36 following form:

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"Shall the city or town of be annexed to and be
a part of library district?

YES
NO

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district.

Sec. 16. RCW 35.02.086 and 1986 c 234 s 11 are each amended to read as follows:

Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located(~~(, not more than forty five nor less than thirty days))~~) prior to the primary election at which the initial elected officials are nominated, according to RCW 29A.24.050. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration (~~(at any time within five days after the last day allowed for filing declaration of candidacy))~~) according to RCW 29A.24.131. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

Sec. 17. RCW 35.06.070 and 1994 c 81 s 8 are each amended to read as follows:

A ballot proposition authorizing an advancement in classification of a town to a second class city shall be submitted to the voters of the town if either: (1) Petitions proposing the advancement are submitted to the town clerk that have been signed by voters of the town equal in number to at least ten percent of the voters of the town voting at the last municipal general election; or (2) the town council

1 adopts a resolution proposing the advancement. The clerk shall
2 immediately forward the petitions to the county auditor who shall
3 review the signatures and certify the sufficiency of the petitions.

4 A ballot proposition authorizing an advancement shall be submitted
5 to the town voters at the next (~~municipal general~~) special election
6 (~~occurring forty five or more days after the petitions are submitted~~)
7 date according to RCW 29A.04.330 if the county auditor certifies the
8 petitions as having sufficient valid signatures. The town shall be
9 advanced to a second class city if the ballot proposition is approved
10 by a simple majority vote, effective when the corporation is actually
11 reorganized and the new officers are elected and qualified. The county
12 auditor shall notify the secretary of state if the advancement of a
13 town to a second class city is approved.

14 **Sec. 18.** RCW 35.13.1821 and 1998 c 286 s 2 are each amended to
15 read as follows:

16 The annexation ordinance provided for in RCW 35.13.182 is subject
17 to referendum for forty-five days after its passage. Upon the filing
18 of a timely and sufficient referendum petition with the legislative
19 body, signed by qualified electors in number equal to not less than ten
20 percent of the votes cast in the last general state election in the
21 area to be annexed, the question of annexation shall be submitted to
22 the voters of the area in a general election if one is to be held
23 within ninety days or at a special election called for that purpose
24 (~~not less than forty five days nor more than ninety days after the~~
25 ~~filing of the referendum petition~~) according to RCW 29A.04.330.
26 Notice of the election shall be given as provided in RCW 35.13.080 and
27 the election shall be conducted as provided in the general election
28 law. The annexation shall be deemed approved by the voters unless a
29 majority of the votes cast on the proposition are in opposition
30 thereto.

31 After the expiration of the forty-fifth day from but excluding the
32 date of passage of the annexation ordinance, if no timely and
33 sufficient referendum petition has been filed, the area annexed shall
34 become a part of the city or town upon the date fixed in the ordinance
35 of annexation.

1 **Sec. 19.** RCW 35.61.360 and 1987 c 138 s 2 are each amended to read
2 as follows:

3 (1) As provided in this section, a metropolitan park district may
4 withdraw areas from its boundaries, or reannex areas into the
5 metropolitan park district that previously had been withdrawn from the
6 metropolitan park district under this section.

7 (2) The withdrawal of an area shall be authorized upon: (a)
8 Adoption of a resolution by the park district commissioners requesting
9 the withdrawal and finding that, in the opinion of the commissioners,
10 inclusion of this area within the metropolitan park district will
11 result in a reduction of the district's tax levy rate under the
12 provisions of RCW 84.52.010; and (b) adoption of a resolution by the
13 city or town council approving the withdrawal, if the area is located
14 within the city or town, or adoption of a resolution by the county
15 legislative authority of the county within which the area is located
16 approving the withdrawal, if the area is located outside of a city or
17 town. A withdrawal shall be effective at the end of the day on the
18 thirty-first day of December in the year in which the resolutions are
19 adopted, but for purposes of establishing boundaries for property tax
20 purposes, the boundaries shall be established immediately upon the
21 adoption of the second resolution.

22 The withdrawal of an area from the boundaries of a metropolitan
23 park district shall not exempt any property therein from taxation for
24 the purpose of paying the costs of redeeming any indebtedness of the
25 metropolitan park district existing at the time of the withdrawal.

26 (3) An area that has been withdrawn from the boundaries of a
27 metropolitan park district under this section may be reannexed into the
28 metropolitan park district upon: (a) Adoption of a resolution by the
29 park district commissioners proposing the reannexation; and (b)
30 adoption of a resolution by the city or town council approving the
31 reannexation, if the area is located within the city or town, or
32 adoption of a resolution by the county legislative authority of the
33 county within which the area is located approving the reannexation, if
34 the area is located outside of a city or town. The reannexation shall
35 be effective at the end of the day on the thirty-first day of December
36 in the year in which the adoption of the second resolution occurs, but
37 for purposes of establishing boundaries for property tax purposes, the
38 boundaries shall be established immediately upon the adoption of the

1 second resolution. Referendum action on the proposed reannexation may
2 be taken by the voters of the area proposed to be reannexed if a
3 petition calling for a referendum is filed with the city or town
4 council, or county legislative authority, within a thirty-day period
5 after the adoption of the second resolution, which petition has been
6 signed by registered voters of the area proposed to be reannexed equal
7 in number to ten percent of the total number of the registered voters
8 residing in that area.

9 If a valid petition signed by the requisite number of registered
10 voters has been so filed, the effect of the resolutions shall be held
11 in abeyance and a ballot proposition to authorize the reannexation
12 shall be submitted to the voters of the area at the next special
13 election date (~~specified in RCW 29.13.020 that occurs forty five or~~
14 ~~more days after the petitions have been validated~~) according to RCW
15 29A.04.330. Approval of the ballot proposition authorizing the
16 reannexation by a simple majority vote shall authorize the
17 reannexation.

18 **Sec. 20.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each
19 amended to read as follows:

20 Such annexation ordinance as provided for in RCW 35A.14.297 shall
21 be subject to referendum for forty-five days after the passage thereof.
22 Upon the filing of a timely and sufficient referendum petition with the
23 legislative body, signed by qualified electors in number equal to not
24 less than ten percent of the votes cast in the last general state
25 election in the area to be annexed, the question of annexation shall be
26 submitted to the voters of such area in a general election if one is to
27 be held within ninety days or at a special election called for that
28 purpose (~~not less than forty five days nor more than ninety days after~~
29 ~~the filing of the referendum petition~~) according to RCW 29A.04.330.
30 Notice of such election shall be given as provided in RCW 35A.14.070
31 and the election shall be conducted as provided in RCW (~~35A.14.060~~)
32 35A.29.151. The annexation shall be deemed approved by the voters
33 unless a majority of the votes cast on the proposition are in
34 opposition thereto.

35 After the expiration of the forty-fifth day from but excluding the
36 date of passage of the annexation ordinance, if no timely and
37 sufficient referendum petition has been filed, the area annexed shall

1 become a part of the code city upon the date fixed in the ordinance of
2 annexation. From and after such date, if the ordinance so provided,
3 property in the annexed area shall be subject to the proposed zoning
4 regulation prepared and filed for such area as provided in RCW
5 35A.14.330 and 35A.14.340. If the ordinance so provided, all property
6 within the area annexed shall be assessed and taxed at the same rate
7 and on the same basis as the property of such annexing code city is
8 assessed and taxed to pay for any then outstanding indebtedness of such
9 city contracted prior to, or existing at, the date of annexation.

10 **Sec. 21.** RCW 36.93.030 and 1991 c 363 s 91 are each amended to
11 read as follows:

12 (1) There is hereby created and established in each county with a
13 population of two hundred ten thousand or more a board to be known and
14 designated as a "boundary review board".

15 (2) A boundary review board may be created and established in any
16 other county in the following manner:

17 (a) The county legislative authority may, by majority vote, adopt
18 a resolution establishing a boundary review board; or

19 (b) A petition seeking establishment of a boundary review board
20 signed by qualified electors residing in the county equal in number to
21 at least five percent of the votes cast in the county at the last
22 county general election may be filed with the county auditor.

23 Upon the filing of such a petition, the county auditor shall
24 examine the same and certify to the sufficiency of the signatures
25 thereon. No person may withdraw his or her name from a petition after
26 it has been filed with the auditor. Within thirty days after the
27 filing of such petition, the county auditor shall transmit the same to
28 the county legislative authority, together with his or her certificate
29 of sufficiency.

30 After receipt of a valid petition for the establishment of a
31 boundary review board, the county legislative authority shall submit
32 the question of whether a boundary review board should be established
33 to the electorate at the next ((county)) primary or ((county)) general
34 election ((which occurs more than forty five days from the date of
35 receipt of the petition)) according to RCW 29A.04.321. Notice of the
36 election shall be given as provided in RCW ((29.27.080)) 29A.52.351 and
37 shall include a clear statement of the proposal to be submitted.

1 If a majority of the persons voting on the proposition shall vote
2 in favor of the establishment of the boundary review board, such board
3 shall thereupon be deemed established.

4 **Sec. 22.** RCW 42.12.040 and 2005 c 2 s 15 (Initiative Measure No.
5 872) are each amended to read as follows:

6 (1) If a vacancy occurs in any partisan elective office in the
7 executive or legislative branches of state government or in any
8 partisan county elective office before the (~~sixth~~) eleventh Tuesday
9 prior to the next general election following the occurrence of the
10 vacancy, a successor shall be elected to that office at that general
11 election. Except during the last year of the term of office, if such
12 a vacancy occurs on or after the (~~sixth~~) eleventh Tuesday prior to
13 the general election, the election of the successor shall occur at the
14 next succeeding general election. The elected successor shall hold
15 office for the remainder of the unexpired term. This section shall not
16 apply to any vacancy occurring in a charter county that has charter
17 provisions inconsistent with this section.

18 (2) If a vacancy occurs in any legislative office or in any
19 partisan county office after the general election in a year that the
20 position appears on the ballot and before the start of the next term,
21 the term of the successor who is of the same party as the incumbent may
22 commence once he or she has qualified as defined in RCW 29A.04.133 and
23 shall continue through the term for which he or she was elected.

24 **Sec. 23.** RCW 42.17.080 and 2002 c 75 s 2 are each amended to read
25 as follows:

26 (1) On the day the treasurer is designated, each candidate or
27 political committee shall file with the commission and the county
28 auditor or elections officer of the county in which the candidate
29 resides, or in the case of a political committee, the county in which
30 the treasurer resides, in addition to any statement of organization
31 required under RCW 42.17.040 or 42.17.050, a report of all
32 contributions received and expenditures made prior to that date, if
33 any.

34 (2) At the following intervals each treasurer shall file with the
35 commission and the county auditor or elections officer of the county in
36 which the candidate resides, or in the case of a political committee,

1 the county in which the committee maintains its office or headquarters,
2 and if there is no office or headquarters then in the county in which
3 the treasurer resides, a report containing the information required by
4 RCW 42.17.090:

5 (a) On the twenty-first day and the seventh day immediately
6 preceding the date on which the election is held; and

7 (b) On the tenth day of the first month after the election(~~(+~~
8 ~~PROVIDED, That this report shall not be required following a primary~~
9 ~~election from:~~

10 ~~(i) A candidate whose name will appear on the subsequent general~~
11 ~~election ballot; or~~

12 ~~(ii) Any continuing political committee)); and~~

13 (c) On the tenth day of each month in which no other reports are
14 required to be filed under this section: PROVIDED, That such report
15 shall only be filed if the committee has received a contribution or
16 made an expenditure in the preceding calendar month and either the
17 total contributions received or total expenditures made since the last
18 such report exceed two hundred dollars.

19 When there is no outstanding debt or obligation, and the campaign
20 fund is closed, and the campaign is concluded in all respects, and in
21 the case of a political committee, the committee has ceased to function
22 and has dissolved, the treasurer shall file a final report. Upon
23 submitting a final report, the duties of the treasurer shall cease and
24 there shall be no obligation to make any further reports.

25 The report filed twenty-one days before the election shall report
26 all contributions received and expenditures made as of the end of the
27 fifth business day before the date of the report. The report filed
28 seven days before the election shall report all contributions received
29 and expenditures made as of the end of the one business day before the
30 date of the report. Reports filed on the tenth day of the month shall
31 report all contributions received and expenditures made from the
32 closing date of the last report filed through the last day of the month
33 preceding the date of the current report.

34 (3) For the period beginning the first day of the (~~fourth~~) fifth
35 month preceding the date on which the special or general election is
36 held and ending on the date of that special or general election, each
37 Monday the treasurer shall file with the commission and the appropriate
38 county elections officer a report of each bank deposit made during the

1 previous seven calendar days. The report shall contain the name of
2 each person contributing the funds so deposited and the amount
3 contributed by each person. However, contributions of no more than
4 twenty-five dollars in the aggregate from any one person may be
5 deposited without identifying the contributor. A copy of the report
6 shall be retained by the treasurer for his or her records. In the
7 event of deposits made by a deputy treasurer, the copy shall be
8 forwarded to the treasurer for his or her records. Each report shall
9 be certified as correct by the treasurer or deputy treasurer making the
10 deposit.

11 (4) If a city requires that candidates or committees for city
12 offices file reports with a city agency, the candidate or treasurer so
13 filing need not also file the report with the county auditor or
14 elections officer.

15 (5) The treasurer or candidate shall maintain books of account
16 accurately reflecting all contributions and expenditures on a current
17 basis within five business days of receipt or expenditure. During the
18 eight days immediately preceding the date of the election the books of
19 account shall be kept current within one business day. As specified in
20 the committee's statement of organization filed under RCW 42.17.040,
21 the books of account must be open for public inspection as follows:

22 (a) For at least two consecutive hours between 8:00 a.m. and 8:00
23 p.m. on the eighth day immediately before the election, except when it
24 is a legal holiday, in which case on the seventh day immediately before
25 the election, at the principal headquarters or, if there is no
26 headquarters, at the address of the treasurer or such other place as
27 may be authorized by the commission; and

28 (b) By appointment for inspections to be conducted at the
29 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any
30 other day from the seventh day through the day immediately before the
31 election, other than Saturday, Sunday, or a legal holiday. It is a
32 violation of this chapter for a candidate or political committee to
33 refuse to allow and keep an appointment for an inspection to be
34 conducted during these authorized times and days in the week prior to
35 the election. The appointment must be allowed at an authorized time
36 and day for such inspections that is within twenty-four hours of the
37 time and day that is requested for the inspection.

1 (6) The treasurer or candidate shall preserve books of account,
2 bills, receipts, and all other financial records of the campaign or
3 political committee for not less than five calendar years following the
4 year during which the transaction occurred.

5 (7) All reports filed pursuant to subsection (1) or (2) of this
6 section shall be certified as correct by the candidate and the
7 treasurer.

8 (8) Copies of all reports filed pursuant to this section shall be
9 readily available for public inspection for at least two consecutive
10 hours Monday through Friday, excluding legal holidays, between 8:00
11 a.m. and 8:00 p.m., as specified in the committee's statement of
12 organization filed pursuant to RCW 42.17.040, at the principal
13 headquarters or, if there is no headquarters, at the address of the
14 treasurer or such other place as may be authorized by the commission.

15 (9) After January 1, 2002, a report that is filed with the
16 commission electronically need not also be filed with the county
17 auditor or elections officer.

18 (10) The commission shall adopt administrative rules establishing
19 requirements for filer participation in any system designed and
20 implemented by the commission for the electronic filing of reports.

21 **Sec. 24.** RCW 42.17.710 and 2003 c 164 s 3 are each amended to read
22 as follows:

23 (1) During the period beginning on the thirtieth day before the
24 date a regular legislative session convenes and continuing (~~thirty~~
25 ~~days past~~) through the date of final adjournment, and during the
26 period beginning on the date a special legislative session convenes and
27 continuing through the date that session adjourns, no state official or
28 a person employed by or acting on behalf of a state official or state
29 legislator may solicit or accept contributions to a public office fund,
30 to a candidate or authorized committee, or to retire a campaign debt.

31 (2) This section does not apply to activities authorized in RCW
32 43.07.370.

33 **Sec. 25.** RCW 52.02.080 and 1989 c 63 s 6 are each amended to read
34 as follows:

35 The election on the formation of the district and to elect the
36 initial fire commissioners shall be conducted by the election officials

1 of the county or counties in which the proposed district is located in
2 accordance with the general election laws of the state. This election
3 shall be held at the next general election date(~~(, as specified under~~
4 ~~RCW 29.13.020)~~) according to RCW 29A.04.321 and 29A.04.330, that occurs
5 (~~(forty five or more days)~~) after the date of the action by the
6 boundary review board, or county legislative authority or authorities,
7 approving the proposal.

8 **Sec. 26.** RCW 52.04.056 and 1989 c 63 s 11 are each amended to read
9 as follows:

10 (1) As provided in this section, a fire protection district may
11 withdraw areas from its boundaries, or reannex areas into the fire
12 protection district that previously had been withdrawn from the fire
13 protection district under this section.

14 (2) The withdrawal of an area shall be authorized upon: (a)
15 Adoption of a resolution by the board of fire commissioners requesting
16 the withdrawal and finding that, in the opinion of the board, inclusion
17 of this area within the fire protection district will result in a
18 reduction of the district's tax levy rate under the provisions of RCW
19 84.52.010; and (b) adoption of a resolution by the city or town council
20 approving the withdrawal, if the area is located within the city or
21 town, or adoption of a resolution by the county legislative authority
22 or authorities of the county or counties within which the area is
23 located approving the withdrawal, if the area is located outside of a
24 city or town. A withdrawal shall be effective at the end of the day on
25 the thirty-first day of December in the year in which the resolutions
26 are adopted, but for purposes of establishing boundaries for property
27 tax purposes, the boundaries shall be established immediately upon the
28 adoption of the second resolution.

29 The authority of an area to be withdrawn from a fire protection
30 district as provided under this section is in addition, and not
31 subject, to the provisions of RCW 52.04.101.

32 The withdrawal of an area from the boundaries of a fire protection
33 district shall not exempt any property therein from taxation for the
34 purpose of paying the costs of redeeming any indebtedness of the fire
35 protection district existing at the time of the withdrawal.

36 (3) An area that has been withdrawn from the boundaries of a fire
37 protection district under this section may be reannexed into the fire

1 protection district upon: (a) Adoption of a resolution by the board of
2 fire commissioners proposing the reannexation; and (b) adoption of a
3 resolution by the city or town council approving the reannexation, if
4 the area is located within the city or town, or adoption of a
5 resolution by the county legislative authority or authorities of the
6 county or counties within which the area is located approving the
7 reannexation, if the area is located outside of a city or town. The
8 reannexation shall be effective at the end of the day on the thirty-
9 first day of December in the year in which the adoption of the second
10 resolution occurs, but for purposes of establishing boundaries for
11 property tax purposes, the boundaries shall be established immediately
12 upon the adoption of the second resolution. Referendum action on the
13 proposed reannexation may be taken by the voters of the area proposed
14 to be reannexed if a petition calling for a referendum is filed with
15 the city or town council, or county legislative authority or
16 authorities, within a thirty-day period after the adoption of the
17 second resolution, which petition has been signed by registered voters
18 of the area proposed to be reannexed equal in number to ten percent of
19 the total number of the registered voters residing in that area.

20 If a valid petition signed by the requisite number of registered
21 voters has been so filed, the effect of the resolutions shall be held
22 in abeyance and a ballot proposition to authorize the reannexation
23 shall be submitted to the voters of the area at the next special
24 election date (~~((specified in RCW 29.13.020 that occurs forty five or
25 more days after the petitions have been validated))~~) according to RCW
26 29A.04.330. Approval of the ballot proposition authorizing the
27 reannexation by a simple majority vote shall authorize the
28 reannexation.

29 **Sec. 27.** RCW 52.04.071 and 1984 c 230 s 16 are each amended to
30 read as follows:

31 The county legislative authority or authorities shall by resolution
32 call a special election to be held in the city or town and in the fire
33 protection district at the next date (~~((provided in RCW 29.13.010 but
34 not less than forty five days from the date of the declaration of the
35 finding))~~) according to RCW 29A.04.321, and shall cause notice of the
36 election to be given as provided for in RCW (~~((29.27.080))~~) 29A.52.351.

1 The election on the annexation of the city or town into the fire
2 protection district shall be conducted by the auditor of the county or
3 counties in which the city or town and the fire protection district are
4 located in accordance with the general election laws of the state. The
5 results thereof shall be canvassed by the canvassing board of the
6 county or counties. No person is entitled to vote at the election
7 unless he or she is a qualified elector in the city or town or unless
8 he or she is a qualified elector within the boundaries of the fire
9 protection district. The ballot proposition shall be in substantially
10 the following form:

11 "Shall the city or town of be annexed to and be a part
12 of fire protection district?
13 YES
14 NO "

15 If a majority of the persons voting on the proposition in the city
16 or town and a majority of the persons voting on the proposition in the
17 fire protection district vote in favor thereof, the city or town shall
18 be annexed and shall be a part of the fire protection district.

19 **Sec. 28.** RCW 53.04.110 and 1998 c 240 s 1 are each amended to read
20 as follows:

21 Any port district now existing or which may hereafter be organized
22 under the laws of the state of Washington is hereby authorized to
23 change its corporate name under the following conditions and in the
24 following manner:

25 (1) On presentation(~~(, at least forty five days before any general~~
26 ~~port election to be held in the port district,)~~) of a petition to the
27 commissioners of any port district now existing or which may hereafter
28 be established under the laws of the state of Washington, signed by at
29 least ten percent of the total number of voters of the port district
30 who voted at the last general port election and asking that the
31 corporate name of the port district be changed, it shall be the duty of
32 the commissioners to submit to the voters of the port district the
33 proposition as to whether the corporate name of the port shall be
34 changed. The proposition shall be submitted at the next general port
35 election according to RCW 29A.04.330.

1 (2) The petition shall contain the present corporate name of the
2 port district and the corporate name which is proposed to be given to
3 the port district.

4 (3) On submitting the proposition to the voters of the port
5 district it shall be the duty of the port commissioners to cause to be
6 printed on the official ballot used at the election the following
7 proposition:

8 "Shall the corporate name, 'Port of.....' be
9 changed to 'Port of.....'..... YES

10 "Shall the corporate name, 'Port of.....' be
11 changed to 'Port of.....'.....NO"

12 (4) At the time when the returns of the general election shall be
13 canvassed by the commissioners of the port district, it shall be the
14 duty of the commissioners to canvass the vote upon the proposition so
15 submitted, recording in their record the result of the canvass.

16 (5) Should a majority of the registered voters of the port district
17 voting at the general port election vote in favor of the proposition it
18 shall be the duty of the port commissioners to certify the fact to the
19 auditor of the county in which the port district shall be situated and
20 to the secretary of state of the state of Washington, under the seal of
21 the port district. On and after the filing of the certificate with the
22 county auditor as aforesaid and with the secretary of state of the
23 state of Washington, the corporate name of the port district shall be
24 changed, and thenceforth the port district shall be known and
25 designated in accordance therewith.

26 **Sec. 29.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to
27 read as follows:

28 At any general election held in an even-numbered year, the county
29 legislative authority of any county in this state may, or, on petition
30 of ten percent of the qualified electors of the county based on the
31 total vote cast in the last general county election held in an even-
32 numbered year, shall, by resolution, submit to the voters of the county
33 the proposition of creating a public utility district which shall be
34 coextensive with the limits of the county as now or hereafter
35 established. A form of petition for the creation of a public utility
36 district shall be submitted to the county auditor within ten months

1 other publications required by chapter 1, Laws of 1931, shall be in a
2 newspaper of general circulation in the county in which the district is
3 situated. The hearing on the petition may be adjourned from time to
4 time, not exceeding four weeks in all. If upon the final hearing the
5 county legislative authority shall find that any lands have been
6 unjustly or improperly included within the proposed public utility
7 district and will not be benefited by inclusion therein, it shall
8 change and fix the boundary lines in such manner as it shall deem
9 reasonable and just and conducive to the public welfare and
10 convenience, and make and enter an order establishing and defining the
11 boundary lines of the proposed public utility district: PROVIDED, That
12 no lands shall be included within the boundaries so fixed lying outside
13 the boundaries described in the petition, except upon the written
14 request of the owners of those lands. Thereafter the same procedure
15 shall be followed as prescribed in this chapter for the formation of a
16 public utility district including an entire county, except that the
17 petition and election shall be confined solely to the lesser public
18 utility district.

19 No public utility district created after September 1, 1979, shall
20 include any other public utility district within its boundaries:
21 PROVIDED, That this paragraph shall not alter, amend, or modify
22 provisions of chapter 54.32 RCW.

23 **Sec. 30.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended
24 to read as follows:

25 Any district which does not own or operate electric facilities for
26 the generation, transmission or distribution of electric power on March
27 25, 1969, or any district which hereafter does not construct or acquire
28 such electric facilities within ten years of its creation, shall not
29 construct or acquire any such electric facilities without the approval
30 of such proposal by the voters of such district: PROVIDED, That a
31 district shall have the power to construct or acquire electric
32 facilities within ten years following its creation by action of its
33 commission without voter approval of such action.

34 At any general election held in an even-numbered year, the proposal
35 to construct or acquire electric facilities may be submitted to the
36 voters of the district by resolution of the public utility district
37 commission or shall be submitted to the voters of the district by the

1 county legislative authority on petition of ten percent of the
2 qualified electors of such district, based on the total vote cast in
3 the last general county election held in an even-numbered year. A form
4 of petition for the construction or acquisition of electric facilities
5 by the public utility district shall be submitted to the county auditor
6 within ten months prior to the election at which such proposition is to
7 be submitted to the voters. Petitions shall be filed with the county
8 auditor not less than four months before such election and the county
9 auditor shall within thirty days examine the signatures thereof and
10 certify to the sufficiency or insufficiency thereof. If such petition
11 is found to be insufficient, it shall be returned to the persons filing
12 the same, who may amend and add names thereto for ten days, when the
13 same shall be returned to the county auditor, who shall have an
14 additional fifteen days to examine the same and attach his certificate
15 thereto. No person having signed such petition shall be allowed to
16 withdraw his name therefrom after the filing of the same with the
17 county auditor: PROVIDED, That each signature shall be dated and that
18 no signature dated prior to the date on which the form of petition was
19 submitted to the county auditor shall be valid. Whenever such petition
20 shall be certified to as sufficient, the county auditor shall forthwith
21 transmit the same, together with his certificate of sufficiency
22 attached thereto, to the county legislative authority which shall
23 submit such proposition to the voters of said district at the next
24 general election in an even-numbered year (~~occurring forty five days~~
25 ~~after submission of the proposition to said legislative authority~~)
26 according to RCW 29A.04.330. The notice of the election shall state
27 the object of such election, and shall in other respects conform to the
28 requirements of the general laws of Washington, governing the time and
29 manner of holding elections.

30 The proposal submitted to the voters for their approval or
31 rejection, shall be expressed on the ballot substantially in the
32 following terms:

33 Shall Public Utility District No. of County
34 construct or acquire electric facilities for the generation,
35 transmission or distribution of electric power?

36 Yes
37 No

1 Within ten days after such election, the election board of the
2 county shall canvass the returns, and if at such election a majority of
3 the voters voting on such proposition shall vote in favor of such
4 construction or acquisition of electric facilities, the district shall
5 be authorized to construct or acquire electric facilities.

6 **Sec. 31.** RCW 57.04.050 and 1999 c 153 s 1 are each amended to read
7 as follows:

8 Upon entry of the findings of the final hearing on the petition if
9 one or more county legislative authorities find that the proposed
10 district will be conducive to the public health, welfare, and
11 convenience and will benefit the land therein, they shall present a
12 resolution to the county auditor calling for a special election to be
13 held at a date (~~specified under RCW 29.13.020, that occurs forty five~~
14 ~~or more days after the resolution is presented~~) according to RCW
15 29A.04.330, at which a ballot proposition authorizing the district to
16 be created shall be submitted to voters for their approval or
17 rejection. The commissioners shall cause to be published a notice of
18 the election for four successive weeks in a newspaper of general
19 circulation in the proposed district, which notice shall state the
20 hours during which the polls will be open, the boundaries of the
21 district as finally adopted and the object of the election, and the
22 notice shall also be posted ten days in ten public places in the
23 proposed district. The district shall be created if the ballot
24 proposition authorizing the district to be created is approved by a
25 majority of the voters voting on the proposition.

26 A separate ballot proposition authorizing the district, if created,
27 to impose a single-year excess levy for the preliminary expenses of the
28 district shall be submitted to voters for their approval or rejection
29 at the same special election, if the petition to create the district
30 also proposed that a ballot proposition authorizing an excess levy be
31 submitted to voters for their approval or rejection. The excess levy
32 shall be proposed in the amount specified in the petition to create the
33 district, not to exceed one dollar and twenty-five cents per thousand
34 dollars of assessed value, and may only be submitted to voters for
35 their approval or rejection if the special election is held in
36 February, March, April, or May. The proposition to be effective must

1 be approved in the manner set forth in Article VII, section 2(a) of the
2 state Constitution.

3 **Sec. 32.** RCW 70.44.235 and 1987 c 138 s 4 are each amended to read
4 as follows:

5 (1) As provided in this section, a public hospital district may
6 withdraw areas from its boundaries, or reannex areas into the public
7 hospital district that previously had been withdrawn from the public
8 hospital district under this section.

9 (2) The withdrawal of an area shall be authorized upon: (a)
10 Adoption of a resolution by the hospital district commissioners
11 requesting the withdrawal and finding that, in the opinion of the
12 commissioners, inclusion of this area within the public hospital
13 district will result in a reduction of the district's tax levy rate
14 under the provisions of RCW 84.52.010; and (b) adoption of a resolution
15 by the city or town council approving the withdrawal, if the area is
16 located within the city or town, or adoption of a resolution by the
17 county legislative authority of the county within which the area is
18 located approving the withdrawal, if the area is located outside of a
19 city or town. A withdrawal shall be effective at the end of the day on
20 the thirty-first day of December in the year in which the resolutions
21 are adopted, but for purposes of establishing boundaries for property
22 tax purposes, the boundaries shall be established immediately upon the
23 adoption of the second resolution.

24 The withdrawal of an area from the boundaries of a public hospital
25 district shall not exempt any property therein from taxation for the
26 purpose of paying the costs of redeeming any indebtedness of the public
27 hospital district existing at the time of the withdrawal.

28 (3) An area that has been withdrawn from the boundaries of a public
29 hospital district under this section may be reannexed into the public
30 hospital district upon: (a) Adoption of a resolution by the hospital
31 district commissioners proposing the reannexation; and (b) adoption of
32 a resolution by the city or town council approving the reannexation, if
33 the area is located within the city or town, or adoption of a
34 resolution by the county legislative authority of the county within
35 which the area is located approving the reannexation, if the area is
36 located outside of a city or town. The reannexation shall be effective
37 at the end of the day on the thirty-first day of December in the year

1 in which the adoption of the second resolution occurs, but for purposes
2 of establishing boundaries for property tax purposes, the boundaries
3 shall be established immediately upon the adoption of the second
4 resolution. Referendum action on the proposed reannexation may be
5 taken by the voters of the area proposed to be reannexed if a petition
6 calling for a referendum is filed with the city or town council, or
7 county legislative authority, within a thirty-day period after the
8 adoption of the second resolution, which petition has been signed by
9 registered voters of the area proposed to be reannexed equal in number
10 to ten percent of the total number of the registered voters residing in
11 that area.

12 If a valid petition signed by the requisite number of registered
13 voters has been so filed, the effect of the resolutions shall be held
14 in abeyance and a ballot proposition to authorize the reannexation
15 shall be submitted to the voters of the area at the next special
16 election date (~~((specified in RCW 29.13.020 that occurs forty five or
17 more days after the petitions have been validated))~~) according to RCW
18 29A.04.330. Approval of the ballot proposition authorizing the
19 reannexation by a simple majority vote shall authorize the
20 reannexation.

21 NEW SECTION. **Sec. 33.** The following acts or parts of acts are
22 each repealed:

- 23 (1) RCW 29A.04.158 (September primary) and 2004 c 271 s 187;
24 (2) RCW 29A.04.311 (Primaries) and 2004 c 271 s 105; and
25 (3) RCW 29A.24.211 (Lapse of election when no filing for single
26 positions--Effect) and 2004 c 271 s 116.

27 NEW SECTION. **Sec. 34.** This act takes effect January 1, 2006.

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